



## FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

February 23, 2010

Dennis Rosatii  
Executive Director  
Sonoma County Conservation Action

REDACTED

**Re: FPPC Case No. 08/099; Sonoma County Conservation Action, Sonoma County Conservation Action PAC**

Dear Mr. Rosatii:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")<sup>1</sup>. As you may be aware, the Commission received a complaint against Sonoma County Conservation Action ("SCCA") and Sonoma County Conservation Action PAC ("SCCA PAC") alleging that they violated certain provisions of the Act. Specifically, the complaint alleges that SCCA failed to file a statement of organization or campaign statements, and received contributions and made political expenditures that it did not disclose. The Commission has decided to close this case without further action.

### Statement of Organization and Campaign Statements

SCCA PAC has filed the appropriate recipient committee campaign statements, as required by the Act.

### Undisclosed Contributions and Political Expenditures

In addition to canvassing activity conducted to promote its own policy goals, SCCA and SCCA PAC also provide campaign services on a contractual basis, such as canvassing, phone banking, and targeted voter lists based on demographics to various political committees for a fee. Canvassers performing contractual canvassing work would not engage in SCCA canvassing while canvassing for a client committee, but would be engaged in full time canvassing only for the particular client.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

When negotiations to perform contractual services were conducted by the political director, the fee was reported on the PAC's campaign statement. When the executive director negotiated these agreements, the fee was not reported as such on the statements. These were fees for services rendered, not contributions, and as such did not need to be reported by SCCA or SCCA PAC as a contribution. The fees charged were for an amount over SCCA's costs to provide the services contracted for, not less than actual costs. When full and adequate consideration is provided in exchange for a payment, the payment is not a contribution under section 82015. Therefore, no aspect of these services could be classified as a nonmonetary contribution to the contracting committees.

When SCCA engaged in its own canvassing and activities, it sometimes included the names of candidates or measures it supported in fliers, and provided a copy of the flier or fliers to anyone who requested one. SCCA has calculated estimates of how long it would take for a canvasser to ask an individual to vote for a group of candidates. This was done in order to assign value to the political portion of its own canvassing activity which involved the advocacy for a candidate or ballot measure for the purposes of reporting it as a nonmonetary contribution.

Review of the facts of this case show that all contributions and expenditures were properly reported. SCCA did engage in contract work for other committees, but the fees received for this work were not contributions. The fees covered the actual costs of the work performed under the contract. When SCCA PAC did advocate for a candidate or initiative as a part of its own activities, it properly disclosed this activity as a nonmonetary contribution in its voluntarily filed amended campaign statements.

If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

REDACTED

✓ Zachary W. Norton  
Commission Counsel  
Enforcement Division